

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MICHAEL J. O'CONNELL, et al.,	)	
	)	
Plaintiffs,	)	
	)	Case No. 4:05CV1103-HEA
v.	)	
	)	
STATE SHEET METAL, INC.,	)	
	)	
Defendant.	)	

**JUDGMENT**

Plaintiffs filed this action to recover from defendant State Sheet Metal, Inc. delinquent contributions allegedly owed to the plaintiff employee benefit funds pursuant to 29 U.S.C. §§185 and 1132. Plaintiffs also seek to recover audit fees, attorneys' fees and court costs incurred in this action.

Plaintiffs' accountants performed an audit on defendant's payroll records for the period of January 1, 2003 through June 30, 2005. Based on this audit, a total of 343 hours were unreported to the Plaintiffs, resulting in \$4,120.89 being owed by defendant in contributions.

The collective bargaining agreement and ERISA, 29 U.S.C. §1132(g)(2), requires defendant to pay plaintiffs' legal fees and costs, as well as the fees associated with the audit. Plaintiffs have incurred legal fees and court costs of \$956.30 and audit fees of \$945.00. Based on the evidence presented, the Court finds that the services performed by plaintiffs' attorneys were reasonable and necessary to the litigation of this case, that the rates charged were reasonable, and that the amount sought for attorneys' fees is reasonable.

The total amount owed by defendant to plaintiffs is \$6,022.19.

WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that plaintiffs shall recover from defendant State Sheet Metal, Inc. the total amount of \$6,022.19.

SO ORDERED:

  
UNITED STATES DISTRICT JUDGE

Date: January 31, 2006